

**GOVERNMENT OF ODISHA
INDUSTRIES DEPARTMENT**

Notification

In exercise of the powers conferred by section 13 of the Odisha Industries (Facilitation) Act, 2004, (Odisha Act 14 of 2004), the State Government do hereby make the following rules, to amend the Odisha Industries (Facilitation) Rules, 2005, namely:---

1. Short title and commencement. — (1) These rules may be called the Odisha Industries (Facilitation) Amendment Rules, 2015.

(2) The Odisha Industries (Facilitation) Amendment Rules, 2015 shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Industries (Facilitation) Rules, 2005 (hereinafter referred to as the said rules) in rule 2, in sub-rule (1), —

(a) for clause (d), the following clause shall be substituted, namely: —

“(d) “Authorized Representative” means an officer not below the rank of Assistant Director or Assistant Manager in case of a Nodal Agency at the district level and in case of Nodal Agency at the state level, an officer not below the rank of Deputy Director or Joint Manager, as the case may be, authorized by the Chairman of the respective Agency;”;

(b) in clause (f) for the words “in Schedule I ” the words “in Schedule IA ” shall be substituted.

3. In the said rules, after rule 2 the following rule shall be inserted, namely: —

“2.A. Preliminary Project Assessment application. — (1) Every applicant who is not in possession of any land or not allotted with land for the purpose of establishment of an Industry or not in possession of land exceeding twenty five per centum of total land required for the project or for other activities, shall apply in Schedule I, before filing of Combined Application Form at Schedule I-A, through the Nodal Agency who shall, after examining the feasibility of the project including assessment of land, allotment thereof and for other utilities,



recommend the same to the concerned Competent Authority for approval of the said project.

Explanation: - For the purpose of this rules, the expression "other utilities" means water and power; and

(2) The concerned Nodal Agency shall issue an acknowledgement with date and seal in schedule V.

4. In the said rules, in rule 3,-

(a) in sub-rule (1) will be substituted

"the applicants in possession/allotted 25% of the requisite land seeking to establish industry shall apply for preliminary assessment of land and other utilities and for clearances in the Combined Application Form in Schedule IA. Where the clearances(s) is not covered in the Combined Application Form the applicant may file additional forms(s) available with the Nodal Agencies along with requisite fee and document(s), as the case may be, in the forms specified under the relevant enactment for obtaining such clearances(s). The Nodal agency who shall, after examining the feasibility of the project including assessment of land and other utilities, recommend the same for approval of the said project and the entire process will be completed within 30 days. ; and

(b) in sub-rule (3), for the word "triplicate" the words "five copies" shall be substituted;

5. In the said rule, after rule 4, the following rules shall be inserted, namely: –

"4A. Function of the State Level Single Window Authority. – In addition to the functions specified in sub-section (4) of section 4, the State Level Single Window Clearance Authority shall have the following functions, namely:–

(a) review, monitor and facilitate clearances of all projects including modernization, up-gradation and expansion of existing industrial units;

(b) mandatorily hold monthly meeting preferably on a fixed day;



- (c) regular monitoring of the projects phase-wise during the implementation until the project commences production;
- (d) monitor sanction and facilitate disbursement of incentives applicable under the various policies of the State Government;
- (e) review and monitor the functioning of the District Level Single Window Clearance Authority on a monthly basis;
- (f) generate and submit monthly progress reports to the High Level Clearance Authority on the status of approvals, clearances, commencement of projects at the State Level as specified in Schedule IXB;
- (g) co-opt experts on a need basis for specific sectors or projects, if required; and
- (h) issue such direction, as may be necessary, to the District Level Single Window Clearance Authority, for smooth processing of applications and transaction of business.

4B. Functions of the District Level Single Window Authority. – In addition to the functions specified in sub-section (4) of section 5, the District Level Single Window Clearance Authority shall have the following functions, namely: –

- (a) review, process and facilitate project clearances including modernization, up gradation and expansion of existing industrial units;
- (b) mandatorily hold monthly meeting preferably on a fixed day;
- (c) regular monitoring of the projects phase-wise during the implementation until the project commences production;
- (d) monitor sanction and facilitate disbursement of incentives applicable under the various policies of the State Government;
- (e) submitting monthly progress reports to State Level Single Window Clearance Authority on the status of approvals, clearances and commencement of projects at the district level as specified in Schedule IXB; and



(f) co-opt experts on a need basis for specific sectors or projects, if required.”

6. In the said rules, in rule 5,—

(a) after sub rules (1), the following sub rules shall be inserted, namely:—

“(1-a) The Applicant shall proceed with the submission of Combined Application Form, if at least 25% of the requisite land is allotted or in possession of the Industry.

(1-b) Applicant shall submit the Combined Application Form along with additional form(s) and required documents to the concerned Nodal Agency to facilitate project clearances from the concerned Departments and the concerned Agency within three working days from the date of receipt of such application, shall issue an acknowledgement with date and seal as in Schedule V.”;

(b) the sub-rule (4) shall be omitted;

(c) for sub-rules (6), the following sub-rule shall be substituted, namely:—

“(6) Concerned Authority, if required, may direct for additional information from the applicant through Nodal Agency only once before the expiry date of the time limit but not later than seven working days from the date of receipt of the Combined Application Form from the Nodal Agency and on receipt of such direction from the concerned Authority, the Nodal Agency shall inform the applicant within three working days, requesting him to furnish the required information within ten working days and if the Applicant has not furnished the requisite information within fifteen working days from the receipt of communication from the Nodal Agency, the concerned Authority shall dispose the application based on the merit as per the information available. Proceeded that in case, the additional information is not sought for by the concerned authority within seven days from the date of receipt of application by the concerned Authority, it will be



construed that no additional information is required and original time limit for clearance shall apply.”.

7. In the said rules, in rule 6, the sub-rule (1) shall be omitted.
8. In the said rules, for rule 7, the following rule shall be substituted namely: —
Communication of approval or rejection, - (1) The decision of the District Level Single Window Clearance Authority shall be communicated in the form as in **Schedule VIII**.

Procedure for issue of Deemed Approval:

(2) The decision of the State Level Single Window Clearance Authority shall be communicated in the Form as Specified in Schedule IX.

(3) In case the clearances are not issued by any Authority as per the time limits, specified in Schedule VI, the Nodal Agency shall communicate in writing to the entrepreneur concerned in the form as specified in Schedule VII informing the deemed approval under section 11 with a copy to the Department and Authority concerned.

(4) In the eventuality of delay of clearances resulting in issue of deemed approval, the Heads of the Departments or Authority shall be liable for imposition penalty as provided under Odisha Right to Public Services Act, 2012 and Disciplinary action shall also be initiated by the concerned Disciplinary Authority which shall also be reflected in the performance appraisal report of the employee responsible for the delay in providing the clearances or approval.

9. In the said Rules, in rule 9, for sub-rule (1) including the shoulder heading, the following shall be substituted, namely: —

“9. Appeal and References. — (1) Any person, aggrieved by decision of any Authority under section 7, may prefer an appeal before the appellate Authority concerned in the Form in Schedule IXA within thirty days from the date of receipt of communication of such decision and the appellate authority shall dispose of such appeal within fifteen days from the date of receipt of memorandum of appeal.”